



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,082	12/23/2005	Gabriele May	AP 10725	9651
52203 7590 09/26/2007 CONTINENTAL TEVES, INC. ONE CONTINENTAL DRIVE AUBURN HILLS, MI 48326-1581			EXAMINER WILLIAMS, THOMAS J	
			ART UNIT 3683	PAPER NUMBER
			MAIL DATE 09/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/562,082

**Applicant(s)**

MAY ET AL.

**Examiner**

Thomas J. Williams

**Art Unit**

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/23/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Acknowledgment is made in the receipt of the oath, the priority papers, the preliminary amendment and the information disclosure statement filed December 23, 2005.

#### ***Claim Objections***

2. Claim 22 is objected to because of the following informalities: line 2, the recitation "an accumulator" should be changed to "the accumulator". Appropriate correction is required.
3. Claim 23 is objected to because of the following informalities: line 2, the recitation "the portion of the suction channel" should be changed to "a portion of the suction channel".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 18-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 18 recites the limitation "the supply channel" in line 1. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 19 recites the limitation "the first portion ... of the supply channel" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

The recitation should read "a first portion and the second portion of the supply channel...".

Claims 20-25 are rejected due to their dependence upon claim 18.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,234,199 to Nohira.

Re-claim 14, Nohira discloses in figure 5 a hydraulic unit, comprising: an accommodating member H having several inlet valves PC1-PC4 arranged in a first row, several outlet valves PC5-PC8 are arranged in a second row, two separating valves SC1, SC2 are arranged in a third row between the first and second rows, a brake pressure generator (see figure 3, line connected to SC1 at the top surface) and wheel brake connection (see figure 3, line connected to PC1); a pump HP1 bore is transverse to the valve bores; a motor bore (see figure 3, the bore connected to the pump bore); an accumulator bore RS1 is adjacent the second row (see figure 1).

Re-claims 15 and 16, see figures 3 and 5.

Re-claim 17, a pulsation damper bore DP1 is located between the brake pressure generator connection and the third row, and is opposite to the first housing surface. This is consistent with the instant invention, wherein the applicant contends that bore 9 is opposite to surface A1.

Art Unit: 3683

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nohira in view of US 6,398,315 to Dinkel et al.

Re-claims 18 and 20, Nohira fails to teach a change-over valve bore SI1/SI2 in the same row as the separating valve bore SC1/SC2. Dinkel et al. teach a hydraulic unit having both the separating valve bore 2''' and the change-over valve bore 2'' provided in the same row Z, the suction valve line appears to have an angular channel (such as 21) to the pump bore. This design reduces the axial length of the accommodating member by constraining the axial length taken up by the separating valve bore and change-over valve bore. It would have been obvious to one of ordinary skill in the art to have positioned the separating valves and change-over valves of

Art Unit: 3683

Nohira in a single row as taught by Dinkel et al., thus reducing the axial length of the accommodating member.

Re-claims 19 and 21, the length of a first portion and a second portion of the suction channel will be defined by the placement of the third row relative to the brake pressure generator, as well as its position relative to the pump.

Re-claim 22, see figure 3, the pump bore HP1 is penetrated by the suction channel P2 in the direction of the accumulator bore RS1.

Re-claim 23, see non-return valve CV6.

Re-claim 24, see the return channel leading away from the outlet valve PC5 and leading to bore RS1.

Re-claim 25, see pressure channel adjacent the pump accommodating bore in figure 3, the channel leads to DP1.

13. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nohira in view of US 7,204,566 to Otomo et al.

Re-claim 26, Nohira fails to teach a plurality of pressure sensors and pressure sensor bores in the accommodating member. Otomo et al. teach a hydraulic unit for a vehicle brake system provided with a plurality of bores 164 for receiving a plurality of pressure sensors. As such each fluid passage is provided with a dedicated pressure sensor, as opposed to Nohira, wherein only one fluid passage MCa (and related master cylinder chamber) is provided with a pressure sensor. It would have been obvious to one of ordinary skill in the art to have provided the accommodating member of Nohira with at least two pressure sensor bores as taught by

Art Unit: 3683

Otomo et al., thus providing a pressure sensor for each fluid passage MCa and MCb and related master cylinder chambers.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Noda et al. teach a hydraulic unit with the separating and change-over valves in the same row.

15. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

September 19, 2007

**THOMAS J. WILLIAMS  
PRIMARY EXAMINER**

*Thomas Williams*

AU 3683

9-19-07